

STATE OF INDIANA  
COUNTY OF WABASH

) IN THE WABASH CIRCUIT COURT  
)  
**FILED** NO. 06-073

DEC 05 2006

IN RE: MARK DUBUQUE,

Individually and doing business as )  
BLUE SKY AERIAL PORTRAITS, )  
INC., )

Respondent. )

*Don J. Draper*  
WABASH CIRCUIT SUPERIOR COURT CLERK

MISCELLANEOUS DOCKET

NO. **85C01-06** *12-MI-646*

**ASSURANCE OF VOLUNTARY COMPLIANCE**

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Lisa Ward, and the Respondent, Mark Dubuque, doing business as Blue Sky Aerial Portraits, Inc., enter into an Assurance of Voluntary Compliance (Assurance) pursuant to Indiana Code §24-5-0.5-7.

Any violation of the terms of this Assurance constitutes prima facie evidence of a deceptive act. This Assurance is entered into without any adjudication of any issue of fact or law, and upon consent of the parties.

The parties agree:

1. Respondent Mark Dubuque is an individual engaged in providing photography services to consumers, doing business as Blue Sky Aerial Portraits, Inc., an unregistered entity with a principal place of business at 104 East Branson, LaFontaine, Indiana 46940.
2. The terms of this Assurance apply to and are binding upon Respondent, his employees, agents, representatives, successors, and assigns.
3. Respondent acknowledges the jurisdiction of the Consumer Protection Division of the Office of the Attorney General to investigate matters hereinafter

described, pursuant to the authority of Ind. Code §4-6-9-4 and Ind. Code §24-5-0.5-1 et seq.

4. Respondent, in soliciting and/or contracting with consumers, shall not make, cause to be made, or permit to be made, expressly or by implication, any representation, orally or in writing, that he can deliver photography services and/or photographic products when he knows or should reasonably know that he cannot.

5. Upon execution of this Assurance, Respondent shall pay consumer restitution in the total amount of One Thousand Two Hundred Seventy Eight Dollars and Ninety Seven Cents (\$1,278.97) to the Office of the Attorney General on behalf of the following consumers:

- a. Leroy Raber, in the amount of \$258.04;
- b. Paul Grossi of Millersburg, Ohio, in the amount of \$100.00;
- c. Roy Mast of Apple Creek, Ohio, in the amount of \$150.00;
- d. Ralph Troyer of Apple Creek, Ohio, in the amount of \$145.00;
- e. Fannie Troyer of Millersburg, Ohio, in the amount of \$150.00;
- f. David Yoder of Millersburg, Ohio, in the amount of \$177.03; and
- g. Ben Hershberger of Holmesville, Ohio, in the amount of \$298.90.

6. Upon execution of this Assurance, Respondent shall pay costs in the amount of Five Hundred Dollars (\$500.00) to the Office of the Attorney General.

7. Respondent shall not represent that the Office of the Attorney General approves or endorses Respondent's past or future business practices, or that execution of this Assurance constitutes such approval or endorsement.

8. Respondent shall fully cooperate with the Office of the Attorney General in the resolution of any written complaints, pre-dating or post-dating execution of this Assurance, received by the Consumer Protection Division. Respondent agrees to address such complaints in a manner that substantially complies with paragraphs 6 and 7 of this Assurance.

9. The Office of the Attorney General shall file this Assurance with the Circuit Court of St. Joseph County. The Court's approval of this Assurance shall not act as a bar to any private right of action.


DATED this 4<sup>th</sup> day of December, 2006.

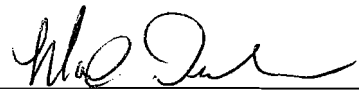
STATE OF INDIANA

RESPONDENT

STEVE CARTER  
Attorney General of Indiana

BLUE SKY AERIAL PORTRAITS, INC.

By:   
Lisa Ward  
Deputy Attorney General  
Atty. No. 26140-49

  
Mark Dubuque  
Blue Sky Aerial Photographs, Inc.  
Title: Owner

Office of Attorney General  
402 W. Washington, 5th Floor  
Indianapolis, Indiana 46204  
Telephone: (317) 234-2354

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Judge, Wabash County Circuit Court